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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,664	08/17/2001	Yuichiro Deguchi	SONI-7200	4568

7590 06/09/2004  
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EXAMINER

LE, DEBBIE M

ART UNIT PAPER NUMBER

2177

DATE MAILED: 06/09/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

SL

# Office Action Summary

Application No.

09/932,664

Applicant(s)

DEGUCHI, YUICHIRO

Examiner

DEBBIE M LE

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

Applicants arguments filed on 3/29/04. Claims 1-45 are presented for examinations.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik et al (US Patent Application 2003/0005433 A1) in view of Janik et al (US Patent Application 2002/0164973 A1).

**As per claim 1**, Janik '2003/0005433 discloses a data marking device data searching system comprising:

a data network (fig. # 16); a user terminal coupled to the data network (§ 0021) configured to transmit a search request corresponding to a marked data (§ 003); and a server terminal coupled to a data network configured to access one or more storage units in response to said search request received from said user terminal, and to transmit a result corresponding to said search request to said user terminal (fig. 1, # 24, § 0045, 0047-0048).

Janik '2003/0005433 does not explicitly teach wherein said marked data indicates a time and said marked data represents content that is broadcasted at said time. However, Janik '2002/0164973 teaches wherein said marked data indicates a time and said marked data represents content that is broadcasted at said time (§ 0127). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide a marked data indicates a time and said marked data represents content that is broadcasted at said time because the data can be used to retrieve information about that particular song through radio station playlist information services (§ 0014, 0127).

**As per claim 2, Janik '2003/0005433 teaches wherein said data network includes one of a Local Area Network (LAN), a Wide Area Network (WAN), and an internet connection (§ 0021).**

**As per claims 3 and 16, Janik '2003/0005433 teaches wherein said user terminal includes one of a personal computer, an internet access enabled personal digital assistant, Wireless Application Protocol enabled mobile telephone, and an i-mode enabled mobile telephone (§ 0017).**

**As per claims 4 and 17, Janik '2003/0005433 teaches wherein said user terminal and said serverterminal are coupled to said data network using one of a TCP/IP protocol, and an Appletalk protocol (§ 0021).**

**As per claims 5, 18 and 40, Janik '2003/0005433 teaches wherein said search request includes an indication of selecting said marked data (§ 0003).**

**As per claims 6 and 19, Janik '2003/0005433** teaches wherein said indication includes a drag and drop operation of an icon representative of said marked data displayed on said user terminal to an icon representative of said search request (§ 0050).

**As per claims 7 and 20, Janik '2003/0005433** teaches wherein said icon representative of said marked data includes a hypertext link (§ 0022).

**As per claims 8, 21 and 35, Janik '2003/0005433** teaches wherein said icon representative of said search request includes one of a two-dimensional still image or a three-dimensional still image, and a dynamic video image (§ 0063).

**As per claims 9, 22, and 30 Janik '2003/0005433** teaches wherein said user terminal is configured to output a search request in progress display after said search request is transmitted (§ 0050).

**As per claims 10-11, 23-24, 29, 37-38 and 43, Janik '2003/0005433** teaches wherein said one or more storage units of the server terminal includes one or more user playlist databases, wherein each of said one or more user playlist databases includes information corresponding to the marked data corresponding to the respective users (§ 0048).

**As per claims 12 and 25 and 31, Janik '2003/0005433** teaches wherein said marked data includes information corresponding to a bookmarked music clip broadcast over a radio station (§ 0003).

**As per claims 13-14, 26-27, 32, 36 and 44, Janik '2003/0005433** teaches wherein said information corresponding to the bookmarked music clip includes one or

more of a name of the music clip, a name of the music clip artist, and a name of the music clip album, wherein the result corresponding to the search request transmitted to the user terminal includes one or more of information corresponding to music clips broadcast over one or more radio stations (§ 0050-0051).

**Claims 15 and 45** are rejected by the same rationale as state in independent claim 1.

**Claim 28** is rejected by the same rationale as state in independent claim 1. Furthermore, Janik '2003/0005433 teaches a plurality of user terminals configured to permit access to said one user terminal to perform a data search operation (§ 0048).

**As per claims 33 and 39, Janik '2003/0005433** teaches initiating a music search operation utilizing a marked data, receiving for display a search pending status data (§ 0047); and receiving a playlist corresponding to said search operation (§ 0048, 0050-0051).

Janik '2003/0005433 does not explicitly teach wherein said marked data indicates a time and said marked data represents content that is broadcasted at said time. However, Janik '2002/0164973 teaches wherein said marked data indicates a time and said marked data represents content that is broadcasted at said time (§ 0127). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide a marked data indicates a time and said marked data represents content that is broadcasted at said time because the data can be used to retrieve information about that particular song through radio station playlist information services (§ 0014, 0127).

**As per claim 34, Janik** '2003/0005433 teaches initiating step includes selecting a bookmarked music (§ 0045).

**As per claims 41-43, Janik** '2003/0005433 teaches wherein said retrieving step includes accessing one or more databases, wherein said one or more databases includes user playlist databases, including updating said one or more databases (§ 0003, 0048).

### ***Response to Arguments***

Applicant's arguments with respect to claims -45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

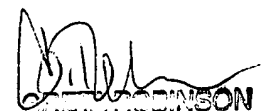
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DEBBIE M LE  
Examiner  
Art Unit 2177

Debbie Le

June 7, 2004.



WILLIAM ROBINSON  
PRIMARY EXAMINER